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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,211	07/07/2003	Harsch Khandelwal	1028-023US01	8049
28863	7590	06/29/2006	EXAMINER	
SHUMAKER & SIEFFERT, P. A. 8425 SEASONS PARKWAY SUITE 105 ST. PAUL, MN 55125			SUN, SCOTT C	
			ART UNIT	PAPER NUMBER
			2182	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/615,211	KHANDELWAL ET AL.	
	Examiner Scott Sun	Art Unit 2182	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 23 March 2006.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-29 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-29 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment to the claims filed 3/23/2006 has been received and entered. Accordingly, previous rejections under U.S.C. 112 have been withdrawn.

### ***Response to Arguments***

2. Applicant's arguments filed 3/23/2006 have been fully considered but they are not persuasive. Applicant's arguments are summarized as:

- a. Prior art of record do not teach "capturing customer data through a reader and/or a manual entry screen" (page 15 of arguments).
- b. Prior art of record do not teach the newly added limitation of "manual entry screen".

3. In response to argument 'a', examiner notes that applicant argues that Kolls system requires the customer to pre-load the ID information rather than to capture customer data for entry (page 14 of arguments). However, paragraphs provided by applicant (131, 132) are merely directed to checking if an ID is valid. Kolls further teaches that the data is "read/processed/measured/extracted/obtained or otherwise recorded" in paragraph 161. This clearly reads on the claim limitation of "capturing".

Applicant further argues that the claimed invention does not require obtaining ID information in advance before capturing customer data on that ID. Applicant appears to make a distinction between "customer data" and "ID information" (page 15). However, no such distinction is present in the claims as the claims merely recite "information

associated with the customer" or "customer data". Furthermore, the claims clearly do not state capturing customer data on that ID without obtaining ID information in advance. Accordingly, examiner notes that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

4. In response to argument 'b', examiner notes that the added features are well known to a person of ordinary skill in the art at the time of invention, and therefore it would have been obvious to combine such features with teachings cited in previous office action. Further details are included in the following office action.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Regarding claims 1, 24-26, 28, 29, the term "allowing" renders the scope of the claims indefinite because it does not cause any functionality, but rather it appears to cover anything and everything that does not prohibit the function. Accordingly, it is unclear what applicant's intended metes and bounds are.

8. The following rejections are made based on the examiner's best interpretation of the claims in light of the 35 USC 112 rejections above.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claim 1-8, 11-15, 17-19, 21, 22, 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolls (PG Pub #2001/0016819) in view of Gilberto et al (PG Pub #US 2003/0158791)

11. Regarding claim 1, 24, and 25, Kolls discloses a system/method/means for the capture, storage, and manipulation of remote information, the system (universal interactive advertising and payment system, disclosed in paragraphs 44, 45) comprising: at least one remote information capture device (system 500 in figure 3A-3F, figure 4) located at a remote site for capturing remote data including customer data (paragraphs 162), the remote information capture device including: a reader (smart card reader 548, magnetic card reader 550, and various other readers in figure 4) for capturing information associated with the customer from encoding on a customer's identification, the information recorded on the customer's identification having a predefined format (paragraph 162); Examiner notes that data on credit cards, magnetic cards and other smart cards have predefined format (for example, ISO standard 7812). Kolls further discloses a central database accessible by the remote capture device for

storing the captured remote data (figure 5, server, paragraph 120); Kolls further discloses a computer program operative to manipulate the captured data (universal interactive advertising and payment system disclosed by Kolls includes a computer program, paragraphs 44,45).

Kolls discloses an entry module (display means 580, 582) but does not disclose the various entry screens. However, Gilberto discloses an entry module module for providing to an operator a manual entry screen (figure 13) to allow the operator to enter information associated with the customer, the manual entry screen including at first entry screen (screen shot shown in figure 13) including a first field (state field) for displaying first entry data; a drop down list (drop down list for entering state) for displaying one or more than one possible first entry data and allowing the operator to select a possible first entry data in the drop down list in order to complete the first entry data, the first field being updated by the selected first entry data.

Teachings of Kolls and Gilberto are from the same field of user interface in e-commerce. Therefore, it would have been obvious for a person of ordinary skill in the art at the time of invention to combine teachings of Kolls and Gilberto by using the data entry screens disclose by Gilberto in the system of Kolls for the benefit of efficient and simple customer information collection.

12. Regarding claim 2, Kolls and Gilberto combined disclose the system according to claim 1, wherein the remote information includes patron data (paragraphs 45, 120, and throughout reference). The examiner asserts that credit card, customer identification, and any other information gathered by the system from a user of the system for the

purpose of conducting e-commerce as disclosed by Kolls qualifies as patron data.

Refer to Kolls's background section for a detailed overview of e-commerce at the time of Koll's invention.

13. Regarding claim 3, Kolls and Gilberto combined disclose the system according to claim 1, wherein the reader includes a bar code reader (figure 4, bar code reader).

14. Regarding claim 4, see examiner's argument for claim 2 above.

15. Regarding claim 5, Kolls and Gilberto combined disclose the system according to claim 1, wherein the remote information is a wireless device for communicating with the central database in real time over the Internet (cell phone example in figure 3F, server described in paragraphs 86, 87). The examiner asserts that communications over a network such as LAN or WAN are performed with no perceptible delay, and thus are real time.

16. Regarding claim 6, see examiner's argument for claim 2 above.

17. Regarding claim 7, Kolls and Gilberto combined disclose the system according to claim 1, wherein at least one of the remote capture devices is a wireless LAN or WAN-enabled (figure 4, LAN network connection means) unit for communicating with the central database in real time (paragraphs 66-67).

18. Regarding claim 8, Kolls and Gilberto combined disclose the system according to claim 7, and Kolls further discloses a verifier for verifying captured data (paragraphs 45, 70).

19. Regarding claim 11, Kolls and Gilberto combined disclose the system according to claim 7, and Kolls further discloses a signature capturer for reducing overhead when capturing patron signatures (figure 4, element 534; paragraph 83).
20. Regarding claim 12, Kolls and Gilberto combined disclose the system according to claim 7, and Kolls further discloses wherein the reader includes a magnetic stripe reader (figure 4, element 550).
21. Regarding claim 13, Kolls and Gilberto combined disclose the system according to claim 7, and Kolls further discloses an electronic marketing engine for electronic marketing utilizing the captured data (paragraph 116, 138)
22. Regarding claim 14, Kolls and Gilberto combined disclose the system according to claim 7, and Kolls further discloses a patron interface for patron participation (figure 4, keypad, display means, camera, speakers are all patron interfaces for patron to interact with the system).
23. Regarding claim 15, Kolls and Gilberto combined disclose the system according to claim 7, and Kolls further discloses wherein the system further includes a fraudulent use detector (figure 4, alarm, paragraph 78).
24. Regarding claim 17, Kolls and Gilberto combined disclose the system according to claim 7, and Kolls further discloses wherein the system is uploaded with one or more global rules (paragraph 68, program code, service data, transaction data).
25. Regarding claim 18, Kolls and Gilberto combined disclose the system according to claim 7, and Kolls further discloses means for driving customers to a website utilizing captured data (background). Kolls describes prior art which utilizes PC to conduct e-

commerce by browsing webpages, which fits the description of claim 18, since a user of PC enters information into the PC to be directed to a website. Some well-known examples of such systems are Ebay and Amazon.

26. Regarding claim 19, Kolls and Gilberto combined disclose the system according to claim 7, and Kolls further discloses an incorportator for incorporating captured data within a multimedia presentation (figure 4, video/audio record and playback means). The examiner asserts playback of a video (along with sound) is a multimedia presentation.

27. Regarding claim 21, Kolls and Gilberto combined disclose the system according to claim 7, and Kolls further discloses a digital camera for capturing patron photos (figure 4, camera).

28. Regarding claim 22, Kolls and Gilberto combined disclose the system according to claim 1, and Kolls further discloses wherein the remote information is security rounds data (paragraph 78).

29. Regarding claim 27, Kolls and Gilberto combined disclose the system according to claim 1, and Kolls further discloses wherein the remote information capture device includes a module (handwriting capture 534) for providing a signature capture screen, the signature capture screen including a field for input signature using a stylus; and wherein the system further includes: a module for storing the captured signature in a binary file; and a module for reading the file and creating a bitmap image of the captured signature (paragraph 83). Examiner notes that signature capture devices by definition operate with a stylus and save signatures as a bitmap image.

30. Regarding claim 29, Kolls and Gilberto combined disclose the system according to claim 1, and Kolls further discloses wherein the information capture device includes: a digital camera (video record means 576) for capturing a digital image of the customer and creating an image file having an image number; and a module for providing an image information screen, the image information screen allowing the operator to associate the image number with the customer (paragraph 94). Examiner notes that image files on computers can be renamed and therefore Kolls system can perform the functions claimed.

31. Claims 9, 10, 16, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolls in view of Gilberto and further in view of Winters (PG Pub 2001/0034635).

32. Regarding claim 9, Kolls discloses claim 7 but does not disclose explicitly rewards. However, Winters discloses a global rules manager (website in figure 1B) for managing flexible rewards (LEDOs described throughout the reference) in varying degrees of granularity down to a patron-specific level (figure 1B, paragraph 43- 46, 59). The examiner asserts that by browsing the website disclosed by Winters and managing LEDOs using web pages on the website provides varying degrees of granularity because a website is a series of linked webpages (through use of hyperlinks, buttons, shortcut icons) which vary in degree of detail. For example, a home page is less detailed than other webpages on the website. Furthermore, teachings of Winters, Gilberto and Kolls are from the same field of electronic commerce.

Therefore, it would have been obvious at the time of invention to combine Winters's teachings with Kolls's teachings by implementing a similar website as disclosed by Winters, or providing a link to LEDOs website disclosed by Winters (after registering with LEDOs website, see paragraph 14, Winters) in the system disclosed by Kolls for the benefit of attracting and retaining customers (paragraph 12, Winters).

33. Regarding claim 16, Winters further discloses an electronic contest generator (paragraph 40, instant-win, lottery, redemption points)

34. Regarding claim 10, Kolls discloses claim 7 but does not explicitly teach an Internet address generator. However, the examiner asserts that generating user information such as email addresses to match a user name is well known in the art of e-commerce. An example is given by Winters (paragraph 73) in which user information can be automatically filled in for the user. Therefore it would have been obvious to incorporate this feature into the system disclosed by Kolls for the benefit of providing convenience to the user.

35. Regarding claim 20, Kolls discloses claim 7, but does not explicitly teach a privacy consent selector. However, the examiner asserts that such privacy consent selector for capturing patron approval is well known in the art of e-commerce. Therefore, it would have been obvious to implement a privacy consent selector in Kolls's invention to get patron approval before the user enters sensitive/personal information.

36. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolls in view of Gilberto and further in view of Sugar et al (PG Pub 2002/0029164).

37. Kolls discloses claim 1 but does not teach explicitly capturing parking data remotely. However, Sugar combined with Kolls discloses the system according to claim 1, wherein the remote information is parking data (paragraph 27. Furthermore, teachings of Sugar, Gilberto and Kolls are from the same field of e-commerce.

Therefore it would have been obvious at the time of invention to combine Sugar's invention with Kolls's invention by adding the website features to reserve and pay for parking disclosed by Sugar into the system disclosed by Kolls for the benefit of reducing cost in handling parking operations.

38. Claim 26 and 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kolls in view of Gilberto and further in view of Java GUI programming (teachings readily available over the Internet or in textbooks, relevant chapters are attached to this office action).

39. Regarding claims 26 and 28, Kolls and Gilberto combine disclose email capture screen and demographic data capture screen, but does not teach the various buttons and lists used for data entry. However, programming languages such as Java has provided numerous GUI data entry interfaces, including buttons and selection lists (attached NPL).

Teachings of Kolls, Gilberto, and Java GUI are from the same field of computer user interfaces for data entry. Therefore, it would have been obvious for a person of

ordinary skill at the time of invention to program GUI with buttons and selection lists in data capture screens for the benefit of easy data entry.

***Conclusion***

40. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

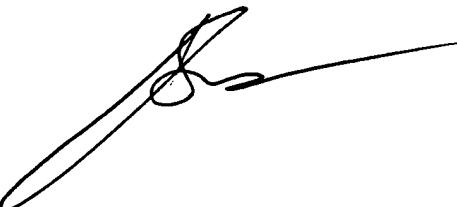
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Sun whose telephone number is (571) 272-2675. The examiner can normally be reached on M-F, 10:30am-7pm.

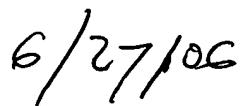
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim N. Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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SS  
6/27/2006



KIM HUYNH  
SUPERVISORY PATENT EXAMINER



6/27/06